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EXAMINER

AILES, BENJAMIN A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,539

Applicant(s)

EBBO ET AL.

Examiner

Benjamin A. Ailes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Jan/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment and response filed 18 February 2005 has been entered into the record.
2. Claims 1-26 remain pending.

Claim Objections

3. The disclosure objection made in the prior non-final office action in reference to the embedded hyperlinks has been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9 and 14-22 rejected under 35 U.S.C. 102(e) as being anticipated by Datta (U.S. 6,622,168).
6. Regarding claims 1 and 14, Datta discloses a method for providing a response to a request for information from a client computing system having an output cache for storing portions of web pages corresponding to at least partial responses to previous requests for information, the method comprising:

receiving, at the server computing system, a request for information from the client computing system (col. 3, lines 27-30 and col. 5, lines 58-63);

creating a page object having references to objects on the server computing system in response to the received request for information, when the output cache contains a pre-rendered output data of an object referenced by the page object, the pre-rendered output data of the object referenced by the page object contained in the output cache is retrieved from the output cache and when the output cache does not contain a pre-rendered output data of an object referenced by the page object, executable code for the object referenced by the page object not contained in the output cache is retrieved from another source and instantiated to create the object referenced by the page object (col. 11, lines 36-60 and col. 12, lines 47-63);

inserting the retrieved pre-rendered output data and objects as components into a hierarchical tree data model such that each component is linked to at least a prior component (col. 11, lines 39-45);

rendering the components of hierarchical tree data model to create a rendered page (col. 11, lines 36-39); and

sending contents of the created rendered page to the client computing system (col. 12, lines 21-25).

7. Regarding claim 2 and 15, in accordance with claims 1 and 14, Datta discloses the method wherein:

the created page object includes a reference to a user control object, the user control object including instructions for obtaining data and an output caching directive

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for caching output data generated by rendering the user control object for the created page (col. 9, lines 43-52);

the step of rendering further comprises:

executing instructions of the user control object to obtain the data and the output data (col. 9, lines 43-52);

storing the output data in the output cache (col. 10, lines 40-50).

8. Regarding claims 3 and 16, in accordance with claims 1 and 14, Datta discloses the method wherein the contents of the created rendered page comprises an HTML specification for a web page (col. 11, lines 32-39).

9. Regarding claims 4 and 17, in accordance with claims 2 and 15, Datta discloses the method wherein:

the created rendered page includes at least one control (col. 12, lines 40-46);

the step of inserting a component includes inserting a component corresponding to each respective one of the at least one control (col. 12, lines 40-46); and

the step of rendering the page comprises rendering each one of the components individually (col. 12, lines 9-33).

10. Regarding claims 5 and 18, in accordance with claims 4 and 17, Datta discloses the method further comprising:

creating the hierarchical tree data model including each of the components and a hierarchical relationship among the components, the data model being used during the step of the rendering the page to render each of the components (see Fig. 3, and col. 11, lines 39-43).

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11. Regarding claims 6 and 19, in accordance with claims 2 and 15, Datta discloses the method wherein the output caching directive includes a time duration during which the output data is permitted to reside in the output cache (col. 13, lines 38-50).

12. Regarding claims 7 and 20, in accordance with claims 6 and 19, Datta discloses the method wherein the output caching directive includes an attribute indicating a condition for varying the output data to be stored in the output cache (col. 12, line 54 – col. 13, line 12).

13. Regarding claims 8 and 21, in accordance with claims 7 and 20, Datta discloses the method wherein the attribute indicates that the output data is to be stored in the output cache according to a type of browser used by the client computing system (col. 12, line 54 – col. 13, line 12, and col. 13, lines 32-37).

14. Regarding claims 9 and 22, in accordance with claims 7 and 20, Datta discloses the method wherein the attribute indicates that the output data is to be stored in the output cache according to values of at least one parameter (col. 12, line 54 – col. 13, line 12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 10, 11, 13, 23, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Datta in view of Mattson (U.S. Patent Number 5,434,992), hereinafter referred to as Mattson.

17. Regarding claims 10 and 23, in accordance with claims 1 and 14, respectively, Datta discloses the need to increase data output performance, but is silent on the use of performance counters to monitor output-caching performance. However, Mattson discloses the use of counters to measure the performance of a cache (col. 9, line 56 – col. 10, line 2).

18. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of using performance counters in order to improve the output of data (Datta, col. 2, lines 4-11). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the performance counters disclosed by Mattson with the data output method using data caching disclosed by Datta.

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19. Regarding claims 11 and 24, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on the use of hit and miss counters to monitor output-caching performance. However, Mattson discloses the uses of hit and miss counters to measure the performance of a cache (col. 9, lines 56-64). The same motivation that was utilized in the combination of claims 10 and 23 applies equally as well to claims 11 and 24.

20. Regarding claims 13 and 26, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on the use of calculating an output cache hit ratio to monitor output-caching performance. However, Mattson discloses the use of calculating hit ratios in order to measure the performance of a cache (col. 9, lines 56-64). The same motivation that was utilized in the combination of claims 10 and 23 applies equally as well to claims 13 and 26.

21. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Datta in view of Smith et al (U.S. Patent Number 5,802,600), hereinafter referred to as Smith et al.

22. Regarding claims 12 and 25, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on counting the number of additions and removals to the output cache. However, Smith et al. disclose gathering statistics based on directory entries to measure output-caching performance (col. 5, lines 8-54).

23. One of ordinary skill in the art at the time of the applicant's invention would have recognized the advantage of using performance counters in order to improve the output

of data (Datta, col. 2, lines 4-11). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to combine the statistics gathering method disclosed by Smith et al. with the data output method using data caching disclosed by Datta.

Response to Arguments

24. Applicant's arguments filed 18 February 2005 have been fully considered but they are not persuasive.

25. (A) Applicant argues that Datta does not disclose: "pre-rendered output data of an object."

26. As to point (A), the examiner respectfully disagrees. Datta discloses the use of a page generator (see col. 11, lines 36-39) which "synthesizes web pages by integrating content from various sources and formatting the content as necessary." (see col. 11, lines 36-39) The page generator generates web pages by retrieving content from a cache and also by use of a preloader (see col. 11, line 51 – col. 12, line 33). The Preloader Architecture uses dynamic scripting in order to produce individual code blocks and convert each code block into an HTML fragment (see col. 12, lines 9-33). By way of this system, Datta produces the HTML fragments, or in other words, pre-renders the data for output. Once Datta completes the HTML fragment production and all of the code blocks have been executed, the HTML page is sent to the appropriate user for viewing (col. 12, lines 16-25).

27. (B) Applicant argues that Datta does not teach: "retrieving executable code for referenced objects when the pre-rendered output data are not available within a cache."

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28. As to point (B), the examiner respectfully disagrees. Datta discloses, as mentioned in the explanation of point (A), a Preloader is used to dynamically produce individual code blocks and convert the code blocks into HTML fragments, or in other words, pre-rendered output data (see col. 12, lines 9-33). Once Datta completes the HTML fragment production and all of the code blocks have been executed, the HTML page is sent to the appropriate user for viewing (col. 12, lines 16-25).

29. (C) Applicant argues that Datta does not disclose: "inserting the retrieved...components into a hierarchical tree model."

30. As to point (C), the examiner respectfully disagrees. Datta discloses the ability to store information into a hierarchical tree model, this ability being just a part of the product catalog (see col. 11, lines 39-43). Information is stored in the product catalog continuously in order to properly cache items specific to a certain user. The web page generator and preloader (see point A and point B) work in conjunction with the product catalog to create HTML web pages, or in other words, "render the web page(s)" correctly (col. 11, lines 32-50).

31. (D) Applicant argues that Datta does not disclose: "a user control that includes instructions for an output caching directive for caching output data."

32. As to point (D), the examiner respectfully disagrees. Datta discloses a user control that includes instructions for an output caching directive for caching output data by use of a profile server which works in conjunction with a Preloader Component Cache (see col. 11, lines 51-54). The Preloader determines and sets rules for objects to cache by way of monitoring the user and keeping track of user behavior. The more a

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user “surfs” the web, the more effective the Preloader can be to create a profile that will cache only items tailored to the user’s interests. This method creates an environment that causes caching rules to be directly influenced by the user’s and behavior and only the user’s behavior (col. 11, line 51 – col. 12, line 7).

Conclusion

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 7:30-5, First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BEATRIZ PRIETO
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Art Unit 2142
Patent Examiner